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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

CARLOS HERNANDEZ,

Defendant and Appellant.

E054962

(Super.Ct.No. FVI1101369)

OPINION

APPEAL from the Superior Court of San Bernardino County. Jules E. Fleuret,  
Judge. Affirmed.

James M. Kehoe, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

A jury found defendant and appellant Carlos Hernandez guilty of possession of ammunition by a felon. (Pen. Code, § 12316, subd. (b)(1).)<sup>1</sup> In a bifurcated proceeding, the trial court found true that defendant had suffered one prior prison term (Pen. Code, § 667.5, subd. (b)) and one prior serious and violent felony conviction (Pen. Code, §§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d)). As a result, defendant was sentenced to a total term of seven years in state prison with credit for time served. Defendant appeals from the judgment. We find no errors and will affirm the judgment.

### FACTUAL BACKGROUND

On June 14, 2011, Deputy Chapdelaine was on routine patrol in the City of Victorville on his sheriff-issued motorcycle, wearing his standard, department-issued uniform. Around 3:50 p.m., the deputy noticed a two-door, blue Chevy Cavalier approach a stop sign, slow down, and then accelerate through the intersection without coming to a complete stop. Deputy Chapdelaine began following the vehicle and eventually activated the flashing lights on his motorcycle. When the driver did not stop the vehicle, the deputy activated the motorcycle's air horn several times and then its siren.

After Deputy Chapdelaine activated the siren, the driver accelerated the vehicle and a pursuit ensued. During the chase, the driver drove the vehicle through four stop signs, and the vehicle traveled at speeds of 70 to 80 miles per hour in 45-mile-per-hour

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<sup>1</sup> The jury deadlocked on count 1, evading an officer with willful disregard in violation of Vehicle Code section 2800.2, subdivision (a). That count was later dismissed by the People.

speed zones. The driver also drove the vehicle toward oncoming traffic, across double yellow lines, forcing oncoming vehicles to veer out of the way to avoid head-on collisions. Once the driver drove the vehicle on the right side of the road, the vehicle hit a curb, causing the front tires of the vehicle to blow out. The driver eventually stopped the vehicle in a field around 3:55 p.m.

As Deputy Chapdelaine was bringing his motorcycle to a stop, about 20 feet away from the vehicle, he saw the passenger door immediately open and a Hispanic male, in a gray shirt, exit the vehicle. The male ran toward an apartment complex. Immediately thereafter, he saw defendant exit the vehicle and run toward the same apartment complex. A Hispanic female thereafter exited the vehicle and complied with the deputy's command to come toward him. Meanwhile, backup police units were en route.

Deputy Chapdelaine searched the vehicle and found a box of Remington nine-millimeter ammunition, three rounds of .22-caliber long rifle ammunition, two nine-millimeter whole jacket rounds of ammunition, 14 rounds of nine-millimeter ammunition, and a wallet containing defendant's social security card. The two whole jacket rounds and the wallet were found on the front passenger side.

Deputy O'Connell responded to the backup call. He went to the apartment complex and contacted defendant and the other male. It appeared to the deputy that defendant had been running. Defendant had a sweaty face and appeared nervous. Deputy O'Connell searched defendant and found a live modified bullet in his right front pocket. Deputy Chapdelaine subsequently went to the apartment complex and identified defendant and the other suspect.

Defendant's defense was that he was not the driver of the vehicle.

### DISCUSSION

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts, potential arguable issues, and requesting this court undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we independently reviewed the record for potential error. We have now completed our independent review of the record and find no arguable issues.

### DISPOSITION

The judgment is affirmed.

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RAMIREZ

P. J.

We concur:

RICHLI

J.

KING

J.